

REMARKS

Favorable reconsideration of this application and the Office Action of November 3, 2003 is respectfully requested in view of the foregoing amendment to the claims and the following remarks. The fee for the additional claim is submitted herewith.

Claims 1-8, 12 and 16-27 appear in this application as amended. Claims 9-11 and 13-15 have been canceled and rewritten as claims 20-27. Claims 6, 8, 12, and 16-19 stand withdrawn as not being readable on the elected species. However, it is submitted that since generic claim 1 is allowable, for the reasons stated hereinafter, these claims should be rejoined and allowed with the allowed generic claim and the claims to the elected species.

It is noted that the Examiner has indicated claims 9-11 and 13-15 to be drawn to allowable subject matter but objected to as being dependent upon a rejected base claim. Accordingly claims 9-11 and 13-15 have been rewritten as claim 20-27 and are now in condition to be formally allowed.

The rejection of claims 1, 4, 5 and 7 under 35 U.S.C. 102 (e) as anticipated by Dujardin et al. US Patent 6,296,865 is respectfully traversed. This rejection is clearly erroneous and should be withdrawn.

The rejection is based on the assertion that the reference discloses an insecticidal composition in which the insecticide is incorporated in a waxy medium (i.e., a polymer). This assertion is erroneous since a polymer is not a waxy medium. The polymers of this patent are granules or powders (col. 2, lines 8-11) having a crystalline melting range between 100°C -300°C. Clearly such polymers are not waxy mediums. Thus, this disclosure does not anticipate the claims.

Furthermore, the reference patent does not disclose one of Applicants' inhibiting compounds as a scent tracking inhibitor. Linalool is only disclosed as one of numerous

optional fragrance materials. There is clearly no disclosure or teaching of a composition with a required amount of linalool to inhibit the scent tracking ability of mosquitoes. Thus the reference does not anticipate the claims for this additional reason.

Additionally, the Action erroneously asserts that the insecticidal compounds of the patent volatilize from the polymer at room temperature and cites col. 1, lines 25-33 of the reference as support for this assertion. This portion of the reference does not relate to the insecticidal compounds of that patent in the polymer matrix. That portion of the patent instead relates to prior art electrical heating apparatus from which a pyrethroid insecticidal compound evaporates from cellulose or cotton board or asbestos or ceramics. Thus, this patent does not disclose Applicants' nor any other scent inhibitors in a waxy medium from which the inhibitor compounds evaporates at room temperature and does not anticipate the claims for this further reason.

Therefore, the PTO is respectfully requested to reconsider and withdraw the rejection of claims 1, 4, 5 and 7 under 35 U.S.C. 102 (e) over the Dujardin et al. patent disclosure.

The rejection of claims 1, 4, 5 and 7 under 35 U.S.C. 102 (e) as anticipated by Ashida et al. US Patent 5,891,811 is respectfully traversed. This rejection is clearly erroneous and should be withdrawn.

This rejection is based on the contention that this patent discloses an indicator material obtained by impregnation of a fabric, of which one surface is provided with a resin layer (waxy medium) with a volatile oily substance which oily substance can be linalool. The Action points out that the patent indicates that an insecticide vaporizes at room temperature or by heating and that such insecticidal compositions are used to control/kill mosquitoes.

The USPTO has completely misread and misinterpreted this reference disclosure.

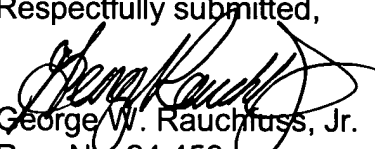
The polymer is a thermoplastic resin such as a polyolefin (col. 6, line 14-28) and is not a waxy medium. Additionally, the oily material is not in the polymer. Instead it is placed in the non-woven fabric. Additionally, linalool is not an insecticide and in the patent disclosure linalool is only recognized as an oily aromatic/deodorization compound. Nothing in this reference discloses or teaches linalool in a waxy medium, nor teaches the use of linalool as a special repellant for mosquitoes. Thus, this reference disclosure does not anticipate the claims of this application. Therefore, the PTO is respectfully requested to reconsider and withdraw the rejection of claims 1, 4,5 and 7 under 35 U.S.C. 102 (e) over the Ashida et al. patent disclosure.

The 35 U.S.C. 103 rejection of claim 2 and 3 over Dujardin et al or Ashida et al is also respectfully traversed. The deficiencies of these patent disclosures as discussed hereinbefore defeat this rejection also. Furthermore, nothing in these references (which do not relates to scent tracking inhibitors for mosquitoes) can provide any basis for making the amount of inhibiting compound to be employed obvious to one skilled in the art. Therefore, the PTO is respectfully requested to reconsider and withdraw the rejection of claims 2 and 3 under 35 U.S.C. 103 over the Dujardin et al. or Ashida et al. patent disclosures.

It is respectfully submitted that the foregoing is a full and complete response to the Office Action and that all the claims are allowable. An early indication of their allowability by issuance of a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By:


George W. Rauchfuss, Jr.
Reg. No. 24,459
Attorney for Applicant

Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, Tenth Floor
Stamford, CT 06901-2682
Tel: (203) 327-4500
Fax: (203) 327-6401
Date: December 22, 2003